



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-EIGHTH GENERAL ASSEMBLY

46TH LEGISLATIVE DAY

TUESDAY, MAY 7, 2013

11:05 O'CLOCK A.M.

SENATE
Daily Journal Index
46th Legislative Day

Action	Page(s)
Appointment Message(s).....	5
Legislative Measure(s) Filed	4
Message from the House	28
Message from the President	27
Presentation of Senate Resolutions No'd. 290-293	4
Report from Assignments Committee	25
Report from Standing Committee(s)	5

Bill Number	Legislative Action	Page(s)
No index entries found.		
HB 0003	Second Reading.....	9
HB 0058	Second Reading.....	9
HB 0083	Second Reading.....	9
HB 0116	Second Reading.....	9
HB 0160	Second Reading.....	9
HB 0181	Second Reading.....	9
HB 0188	Second Reading.....	9
HB 0576	Second Reading.....	10
HB 0630	Second Reading.....	10
HB 0631	Second Reading.....	10
HB 0774	Second Reading.....	10
HB 1046	Second Reading.....	10
HB 1192	Second Reading.....	10
HB 1201	Second Reading.....	10
HB 1203	Second Reading.....	10
HB 1225	Second Reading.....	10
HB 1247	Second Reading.....	10
HB 1323	Second Reading.....	10
HB 1345	Second Reading.....	10
HB 1370	Second Reading.....	16
HB 1379	Second Reading.....	10
HB 1402	Second Reading.....	10
HB 1444	Second Reading.....	10
HB 1455	Second Reading.....	10
HB 1457	Second Reading.....	10
HB 1461	Second Reading.....	10
HB 1486	Second Reading.....	10
HB 1516	Posting Notice Waived.....	8
HB 1569	Second Reading.....	16
HB 1570	Second Reading.....	16
HB 1571	Second Reading.....	16
HB 1572	Second Reading.....	16
HB 1589	Third Reading	25
HB 1682	Second Reading.....	16
HB 1694	Second Reading.....	16
HB 1710	Second Reading.....	16
HB 1773	Second Reading.....	16
HB 1854	Second Reading.....	16
HB 1868	Second Reading.....	17
HB 1871	Second Reading.....	21
HB 2110	Second Reading.....	21

[May 7, 2013]

HB 2311	Second Reading.....	21
HB 2353	Second Reading.....	23
HB 2374	Second Reading.....	23
HB 2401	Second Reading.....	23
HB 2489	Second Reading.....	23
HB 2494	Second Reading.....	23
HB 2527	Second Reading.....	24
HB 2540	Second Reading.....	24
HB 2591	Second Reading.....	24
HB 2606	Second Reading.....	24
HB 2614	Second Reading.....	24
HB 2624	Second Reading.....	24
HB 2664	Second Reading.....	24
HB 2709	Second Reading.....	24
HB 2723	Second Reading.....	24
HB 2726	Second Reading.....	24
HB 2760	Second Reading.....	24
HB 2761	Second Reading.....	24
HB 2768	Second Reading.....	24
HB 2773	Second Reading.....	24
HB 2786	Second Reading.....	24
HB 2802	Second Reading.....	24
HB 2830	Second Reading.....	24
HB 2839	Second Reading.....	24
HB 3081	First Reading.....	26
HB 3229	First Reading.....	5

The Senate met pursuant to adjournment.
 Senator Terry Link, Waukegan, Illinois, presiding.
 Prayer by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Monday, May 6, 2013, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Committee amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 2 to Senate Bill 68

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 4 to Senate Bill 1454

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 84
 Senate Committee Amendment No. 1 to House Bill 101
 Senate Committee Amendment No. 1 to House Bill 595
 Senate Committee Amendment No. 1 to House Bill 946
 Senate Committee Amendment No. 1 to House Bill 1040
 Senate Committee Amendment No. 1 to House Bill 2339
 Senate Committee Amendment No. 1 to House Bill 2508
 Senate Committee Amendment No. 1 to House Bill 2720
 Senate Committee Amendment No. 1 to House Bill 2961
 Senate Committee Amendment No. 1 to House Bill 3043
 Senate Committee Amendment No. 1 to House Bill 3157
 Senate Committee Amendment No. 1 to House Bill 3357

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 290

Offered by Senator Duffy and all Senators:
 Mourns the death of Estelle Elizabeth "Peachie" Bowen of Norton Shores, Michigan, formerly of Elmhurst.

SENATE RESOLUTION NO. 291

Offered by Senator LaHood and all Senators:
 Mourns the death of Edmund Joseph Mallow, Sr., of Peoria.

SENATE RESOLUTION NO. 292

Offered by Senator Connelly and all Senators:
 Mourns the death of Frank Hnilo.

SENATE RESOLUTION NO. 293

Offered by Senator Haine and all Senators:
 Mourns the death of Charles E. McCarthy of Bethalto.

[May 7, 2013]

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 1206, 1709, 2317, 2499 and 2918**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bill No. 1604**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 192

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 981, 1335, 1460, 1552 and 3300**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 2618 and 2962**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3229, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

APPOINTMENT MESSAGES

Appointment Message No. 0217

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Board of Trustees of Eastern Illinois University

Start Date: May 3, 2013

End Date: January 21, 2019

[May 7, 2013]

Name: Janice Gilchrist

Residence: 82 Graymoor Lane, Olympia Fields, IL 60461

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Toi W. Hutchinson

Most Recent Holder of Office: Leo Welch

Superseded Appointment Message: Not Applicable

Appointment Message No. 0218

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Board of Trustees of Southern Illinois University

Start Date: May 3, 2013

End Date: January 21, 2019

Name: Shirley Portwood

Residence: 3503 Riverview Court, Godfrey, IL 62035

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William R. Haine

Most Recent Holder of Office: Harold Lee Milner

Superseded Appointment Message: Not Applicable

Appointment Message No. 0219

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Board of Trustees of Southern Illinois University

Start Date: May 3, 2013

[May 7, 2013]

End Date: January 21, 2019

Name: Randal E. Thomas

Residence: 1700 S. Bates Ave., Springfield, IL 62704

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Sandra Cook

Superseded Appointment Message: Not Applicable

Appointment Message No. 0220

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Board of Trustees of Northeastern Illinois University

Start Date: May 3, 2013

End Date: January 16, 2017

Name: Dr. Darlene J. Ruscitti

Residence: 131 Fairlane Court, Bloomingdale, IL 60108

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Thomas Cullerton

Most Recent Holder of Office: Daniel L. Goodwin

Superseded Appointment Message: Not Applicable

Appointment Message No. 0221

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

[May 7, 2013]

Agency or Other Body: Board of the Illinois State Museum

Start Date: May 3, 2013

End Date: January 15, 2015

Name: Leo Welch

Residence: 14 Treetop Lane, O'Fallon, IL 62269

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Caren Trudeau

Superseded Appointment Message: Not Applicable

Appointment Message No. 0222

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Assistant Director

Agency or Other Body: Illinois Department of Public Health

Start Date: May 3, 2013

End Date: January 19, 2015

Name: Dr. David Gill

Residence: 24 Conway Circle, Apt. 1511, Bloomington, IL 61704

Annual Compensation: \$127,739

Per diem: Not Applicable

Nominee's Senator: Senator Jason A. Barickman

Most Recent Holder of Office: Teresa Garate

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Assignments.

POSTING NOTICE WAIVED

Senator Silverstein moved to waive the six-day posting requirement on **House Bill No. 1516** so that the measure may be heard in the Committee on Human Services that is scheduled to meet today.

[May 7, 2013]

The motion prevailed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Sullivan, **House Bill No. 3** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 58** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 83** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 83

AMENDMENT NO. 1. Amend House Bill 83 as follows:

on page 2, line 7, by replacing "collar;" with "collar; and"; and

on page 2, line 10, by replacing "road; and" with "road"; and

on page 2, by removing lines 11 through 14; and

on page 2, line 21, by replacing "dog; or" with "dog"; and

on page 2, line 26, by replacing "endeavors;" with "endeavors; or"; and

on page 2, below line 26, by inserting the following:

"(4) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, State, or local authority or jurisdiction."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Biss, **House Bill No. 116** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 160** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 181** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 181

AMENDMENT NO. 1. Amend House Bill 181 on page 2, lines 4 and 5, by replacing "State Treasurer" with "Department of State Police"; and

on page 2, lines 11 and 12, by replacing "State Treasurer" with "Department of State Police".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 188** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 576** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 630** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 631** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 774** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 1046** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 1201** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 1203** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 1225** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 1323** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 1192** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 1247** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 1345** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1379** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 1402** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 1444** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 1455** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 1457** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1461** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 1486** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

[May 7, 2013]

AMENDMENT NO. 1 TO HOUSE BILL 1486

AMENDMENT NO. 1. Amend House Bill 1486 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 5-1 and 8-10 as follows: (235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class 10. Craft Brewer,

- (b) Distributor's license,
- (c) Importing Distributor's license,
- (d) Retailer's license,
- (e) Special Event Retailer's license (not-for-profit),
- (f) Railroad license,
- (g) Boat license,
- (h) Non-Beverage User's license,
- (i) Wine-maker's premises license,
- (j) Airplane license,
- (k) Foreign importer's license,
- (l) Broker's license,
- (m) Non-resident dealer's license,
- (n) Brew Pub license,
- (o) Auction liquor license,
- (p) Caterer retailer license,
- (q) Special use permit license,
- (r) Winery shipper's license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection (e) of Section 6-4 of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly.

[May 7, 2013]

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

Class 9. A craft distiller license shall allow the manufacture of up to 30,000 gallons of spirits by distillation for one year after the effective date of this amendatory Act of the 97th General Assembly and up to 35,000 gallons of spirits by distillation per year thereafter and the storage of such spirits. If a craft distiller licensee is not affiliated with any other manufacturer, then the craft distiller licensee may sell such spirits to distributors in this State and up to 2,500 gallons of such spirits to non-licensees to the extent permitted by any exemption approved by the Commission pursuant to Section 6-4 of this Act.

Any craft distiller licensed under this Act who on the effective date of this amendatory Act of the 96th General Assembly was licensed as a distiller and manufactured no more spirits than permitted by this Section shall not be required to pay the initial licensing fee.

Class 10. A craft brewer's license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 465,000 gallons of beer per year. A craft brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (18) of subsection (a) of Section 3-12 of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor to licensed distributors or importing distributors and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the Commission's website.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than \$500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates

designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed	500 gallons
Class 2, not to exceed	1,000 gallons
Class 3, not to exceed	5,000 gallons
Class 4, not to exceed	10,000 gallons
Class 5, not to exceed	50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and

importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that (i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that (i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(n) A brew pub license shall allow the licensee (i) to manufacture beer only on the premises specified in the license, (ii) to make sales of the beer manufactured on the premises or, with the approval of the Commission, beer manufactured on another brew pub licensed premises that is substantially owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) to store the beer upon the premises, and (iv) to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more

than 50,000 gallons per year. A person who holds a brew pub license may simultaneously hold a craft brewer license if he or she otherwise qualifies for the craft brewer license and the craft brewer license is for a location separate from the brew pub's licensed premises. A brew pub license shall permit a person who has received prior approval from the Commission to annually transfer no more than a total of 50,000 gallons of beer manufactured on premises to all other licensed brew pubs that are substantially owned and operated by the same person.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with this amendatory Act.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this amendatory Act.

(Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455, eff. 8-19-11; 97-813, eff. 7-13-12; 97-1166, eff. 3-1-13.)

(235 ILCS 5/8-10) (from Ch. 43, par. 164)

Sec. 8-10. It is the duty of each manufacturer, importing distributor and foreign importer to keep, at his licensed address or place of business, complete and accurate records of all sales or other dispositions of alcoholic liquor, and complete and accurate records of all alcoholic liquor produced, manufactured, compounded or imported, whether for himself or for another, together with a physical inventory made as of the close of each period for which a return is required, covering all alcoholic liquors on hand. However, the Department of Revenue may grant an importing distributor a waiver to permit such records to be kept at a central business location within the State upon written request by the importing

distributor. The central business location shall be located at a licensed importing distributor's premises. The Department of Revenue may in its discretion prescribe reasonable and uniform methods for keeping such records by manufacturers and importing distributors and foreign importers.

In case of failure by manufacturers and importing distributors to keep such records or to make them available to the Department on demand, the Department shall determine the amount of tax due according to its best judgment and information, which amount so determined by the Department shall be prima facie correct, and the Department's notice of tax liability shall be given, and protest thereto and demand for a hearing may be made and final assessments arrived at, in accordance with the provisions of Section 8-5 hereof.

It is the duty of each manufacturer, importing distributor and foreign importer, who imports alcoholic liquor into the State, and each non-resident dealer who ships alcoholic liquor into the State, to mail to the Department one duplicate invoice, together with a bill of lading, covering such shipment and stating the quantity and, except in the case of alcoholic liquor imported in bulk to be bottled by an authorized licensee in this State using his own label and brand, the invoice shall also state the brand, labels and size of containers.

It is the duty of each manufacturer, importing distributor and foreign importer, who imports spirits into the State, and each non-resident dealer who ships spirits into the State, to mail to the State Commission monthly a report containing a compilation of the information required to be furnished to the Department by the preceding paragraph, except that information concerning spirits imported in bulk need not be included. The report shall include all information mailed to the Department during the preceding month.

All books and records, which manufacturers, importing distributors, non-resident dealers and foreign importers are required by this Section to keep, shall be preserved for a period of 3 years, unless the Department, in writing, authorizes their destruction or disposal at an earlier date.
(Source: P.A. 86-654.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 1370** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rezin, **House Bill No. 1569** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 1570** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 1571** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 1572** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McCarter, **House Bill No. 1682** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 1694** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rezin, **House Bill No. 1710** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bivins, **House Bill No. 1773** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 1854** was taken up, read by title a second time and ordered to a third reading.

[May 7, 2013]

On motion of Senator Sullivan, **House Bill No. 1868** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 1868

AMENDMENT NO. 1. Amend House Bill 1868 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 21B-20 as follows:
(105 ILCS 5/21B-20)

Sec. 21B-20. Types of licenses. Before July 1, 2013, the State Board of Education shall implement a system of educator licensure, whereby individuals employed in school districts who are required to be licensed must have one of the following licenses: (i) a professional educator license; (ii) a professional educator license with stipulations; or (iii) a substitute teaching license. References in law regarding individuals certified or certificated or required to be certified or certificated under Article 21 of this Code shall also include individuals licensed or required to be licensed under this Article. The first year of all licenses ends on June 30 following one full year of the license being issued.

The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to govern the requirements for licenses and endorsements under this Section.

(1) Professional Educator License. Persons who (i) have successfully completed an approved educator preparation program and are recommended for licensure by the Illinois institution offering the educator preparation program, (ii) have successfully completed the required testing under Section 21B-30 of this Code, (iii) have successfully completed coursework on the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled, (iv) have successfully completed coursework in methods of reading and reading in the content area, and (v) have met all other criteria established by rule of the State Board of Education shall be issued a Professional Educator License. All Professional Educator Licenses are valid until June 30 immediately following 5 years of the license being issued. The Professional Educator License shall be endorsed with specific areas and grade levels in which the individual is eligible to practice.

Individuals can receive subsequent endorsements on the Professional Educator License. Subsequent endorsements shall require a minimum of 24 semester hours of coursework in the endorsement area, unless otherwise specified by rule, and passage of the applicable content area test.

(2) Educator License with Stipulations. An Educator License with Stipulations shall be issued an endorsement that ~~(i) is non-renewable, (ii) limits the license holder to one particular position; or (iii) does not require completion of an approved educator program or both any combination of items (i) through (iii) of this paragraph (2).~~

An individual with an Educator License with Stipulations must not be employed by a school district or any other entity to replace any presently employed teacher who otherwise would not be replaced for any reason.

An Educator License with Stipulations may be issued with the following endorsements:

(A) Provisional educator. A provisional educator endorsement in a specific content area or areas on an Educator License with Stipulations may be issued to an applicant who holds an educator license with a minimum of 15 semester hours in content coursework from another state, U.S. territory, or foreign country and who, at the time of applying for an Illinois license, does not meet the minimum requirements under Section 21B-35 of this Code, but does, at a minimum, meet both of the following requirements:

(i) Holds the equivalent of a minimum of a bachelor's degree, unless a master's degree is required for the endorsement, from a regionally accredited college or university or, for individuals educated in a country other than the United States, the equivalent of a minimum of a bachelor's degree issued in the United States, unless a master's degree is required for the endorsement.

(ii) Has passed a test of basic skills and content area test, as required by

Section 21B-30 of this Code.

However, a provisional educator endorsement for principals may not be issued, nor may any person with a provisional educator endorsement serve as a principal in a public school in this

[May 7, 2013]

State. In addition, out-of-state applicants shall not receive a provisional educator endorsement if the person completed an alternative licensure program in another state, unless the program has been determined to be equivalent to Illinois program requirements.

Notwithstanding any other requirements of this Section, a service member or spouse of a service member may obtain a Professional Educator License with Stipulations, and a provisional educator endorsement in a specific content area or areas, if he or she holds a valid teaching certificate or license in good standing from another state, meets the qualifications of educators outlined in Section 21B-15 of this Code, and has not engaged in any misconduct that would prohibit an individual from obtaining a license pursuant to Illinois law, including without limitation any administrative rules of the State Board of Education; however, the service member or spouse may not serve as a principal under the Professional Educator License with Stipulations or provisional educator endorsement.

In this Section, "service member" means any person who, at the time of application under this Section, is an active duty member of the United States Armed Forces or any reserve component of the United States Armed Forces or the National Guard of any state, commonwealth, or territory of the United States or the District of Columbia.

A provisional educator endorsement is valid until June 30 immediately following 2 years of the license being issued, during which time any remaining testing and coursework deficiencies must be met. Failure to satisfy all stated deficiencies shall mean the individual, including any service member or spouse who has obtained a Professional Educator License with Stipulations and a provisional educator endorsement in a specific content area or areas, is ineligible to receive a Professional Educator License at that time. A provisional educator endorsement on an Educator License with Stipulations shall not be renewed.

(B) Alternative provisional educator. An alternative provisional educator endorsement on an Educator License with Stipulations may be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

- (i) Graduated from a regionally accredited college or university with a minimum of a bachelor's degree.
- (ii) Successfully completed the first phase of the Alternative Educator Licensure Program for Teachers, as described in Section 21B-50 of this Code.
- (iii) Passed a test of basic skills and content area test, as required under Section 21B-30 of this Code.

The alternative provisional educator endorsement is valid for 2 years of teaching and may be renewed for a third year by an individual meeting the requirements set forth in Section 21B-50 of this Code.

(C) Alternative provisional superintendent. An alternative provisional superintendent endorsement on an Educator License with Stipulations entitles the holder to serve only as a superintendent or assistant superintendent in a school district's central office. This endorsement may only be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

- (i) Graduated from a regionally accredited college or university with a minimum of a master's degree in a management field other than education.
- (ii) Been employed for a period of at least 5 years in a management level position in a field other than education.
- (iii) Successfully completed the first phase of an alternative route to superintendent endorsement program, as provided in Section 21B-55 of this Code.
- (iv) Passed a test of basic skills and content area tests required under Section 21B-30 of this Code.

The endorsement may be registered for 2 fiscal years in order to complete one full year of serving as a superintendent or assistant superintendent.

(D) Resident teacher endorsement. A resident teacher endorsement on an Educator License with Stipulations may be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

- (i) Graduated from a regionally accredited institution of higher education with a minimum of a bachelor's degree.
- (ii) Enrolled in an approved Illinois educator preparation program.
- (iii) Passed a test of basic skills and content area test, as required under Section 21B-30 of this Code.

The resident teacher endorsement on an Educator License with Stipulations is valid

for 4 years of teaching and shall not be renewed.

A resident teacher may teach only under the direction of a licensed teacher, who shall act as the resident mentor teacher, and may not teach in place of a licensed teacher. A resident teacher endorsement on an Educator License with Stipulations shall no longer be valid after June 30, 2017.

(E) Career and technical educator. A career and technical educator endorsement on an Educator License with Stipulations may be issued to an applicant who has a minimum of 60 semester hours of coursework from a regionally accredited institution of higher education, has passed a test of basic skills required under Section 21B-30 of this Code, and has a minimum of 2,000 hours of experience in the last 10 years outside of education in each area to be taught.

The career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued.

(F) Part-time provisional career and technical educator or provisional Provisional career and technical educator. A part-time provisional career and technical educator endorsement or a provisional Provisional career and technical educator endorsement on

an Educator License with Stipulations may be issued to an applicant who has a minimum of 8,000 hours of work experience in the skill for which the applicant is seeking the endorsement. It is the responsibility of each employing school board and regional office of education to provide verification, in writing, to the State Superintendent of Education at the time the application is submitted that no qualified teacher holding a Professional Educator License or an Educator License with Stipulations with a career and technical educator endorsement is available and that actual circumstances require such issuance.

The provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed only one time for 5 years if the individual passes a test of basic skills, as required under Section 21B-30 of this Code, and has completed a minimum of 20 semester hours from a regionally accredited institution.

A part-time provisional career and technical educator endorsement on an Educator License with Stipulations may be issued for teaching no more than 2 courses of study for grades 6 through 12. The part-time provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed for 5 years if the individual makes application for renewal.

(G) Transitional bilingual educator. A transitional bilingual educator endorsement on an Educator License with Stipulations may be issued for the purpose of providing instruction in accordance with Article 14C of this Code to an applicant who provides satisfactory evidence that he or she meets all of the following requirements:

(i) Possesses adequate speaking, reading, and writing ability in the language other than English in which transitional bilingual education is offered.

(ii) Has the ability to successfully communicate in English.

(iii) Either possessed, within 5 years previous to his or her applying for a transitional bilingual educator endorsement, a valid and comparable teaching certificate or comparable authorization issued by a foreign country or holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher learning in the United States.

A transitional bilingual educator endorsement shall be valid for prekindergarten through grade 12, is valid until June 30 immediately following 5 years of the endorsement being issued, and shall not be renewed.

Persons holding a transitional bilingual educator endorsement shall not be employed to replace any presently employed teacher who otherwise would not be replaced for any reason.

(H) Language endorsement. In an effort to alleviate the shortage of teachers speaking a language other than English in the public schools, an individual who holds an Educator License with Stipulations may also apply for a language endorsement, provided that the applicant provides satisfactory evidence that he or she meets all of the following requirements:

(i) Holds a transitional bilingual endorsement.

(ii) Has demonstrated proficiency in the language for which the endorsement is to be issued by passing the applicable language content test required by the State Board of Education.

(iii) Holds a bachelor's degree or higher from a regionally accredited

institution of higher education or, for individuals educated in a country other than the United States, holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher learning in the United States.

- (iv) Has passed a test of basic skills, as required under Section 21B-30 of this Code.

A language endorsement on an Educator License with Stipulations is valid for prekindergarten through grade 12 for the same validity period as the individual's transitional bilingual educator endorsement on the Educator License with Stipulations and shall not be renewed.

(I) Visiting international educator. A visiting international educator endorsement on an Educator License with Stipulations may be issued to an individual who is being recruited by a particular school district that conducts formal recruitment programs outside of the United States to secure the services of qualified teachers and who meets all of the following requirements:

- (i) Holds the equivalent of a minimum of a bachelor's degree issued in the United States.
- (ii) Has been prepared as a teacher at the grade level for which he or she will be employed.
- (iii) Has adequate content knowledge in the subject to be taught.
- (iv) Has an adequate command of the English language.

A holder of a visiting international educator endorsement on an Educator License with Stipulations shall be permitted to teach in bilingual education programs in the language that was the medium of instruction in his or her teacher preparation program, provided that he or she passes the English Language Proficiency Examination or another test of writing skills in English identified by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

A visiting international educator endorsement on an Educator License with Stipulations is valid for 3 years and shall not be renewed.

(J) Paraprofessional educator. A paraprofessional educator endorsement on an Educator License with Stipulations may be issued to an applicant who holds a high school diploma or its recognized equivalent and either holds an associate's degree or a minimum of 60 semester hours of credit from a regionally accredited institution of higher education or has passed a test of basic skills required under Section 21B-30 of this Code. The paraprofessional educator endorsement is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed through application and payment of the appropriate fee, as required under Section 21B-40 of this Code. An individual who holds only a paraprofessional educator endorsement is not subject to additional requirements in order to renew the endorsement.

(3) Substitute Teaching License. A Substitute Teaching License may be issued to qualified applicants for substitute teaching in all grades of the public schools, prekindergarten through grade 12. Substitute Teaching Licenses are not eligible for endorsements. Applicants for a Substitute Teaching License must hold a bachelor's degree or higher from a regionally accredited institution of higher education.

Substitute Teaching Licenses are valid for 5 years and may be renewed if the individual has passed a test of basic skills, as authorized under Section 21B-30 of this Code. An individual who has passed a test of basic skills for the first licensure renewal is not required to retake the test again for further renewals.

Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked or has not met the renewal requirements for licensure, then that individual is not eligible to obtain a Substitute Teaching License.

A substitute teacher may only teach in the place of a licensed teacher who is under contract with the employing board. If, however, there is no licensed teacher under contract because of an emergency situation, then a district may employ a substitute teacher for no longer than 30 calendar days per each vacant position in the district if the district notifies the appropriate regional office of education within 5 business days after the employment of the substitute teacher in the emergency situation. An emergency situation is one in which an unforeseen vacancy has occurred and (i) a teacher is unable to fulfill his or her contractual duties or (ii) teacher capacity needs of the district exceed previous indications, and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position.

There is no limit on the number of days that a substitute teacher may teach in a single

school district, provided that no substitute teacher may teach for longer than 90 school days for any one licensed teacher under contract in the same school year. A substitute teacher who holds a Professional Educator License or Educator License with Stipulations shall not teach for more than 120 school days for any one licensed teacher under contract in the same school year. The limitations in this paragraph (3) on the number of days a substitute teacher may be employed do not apply to any school district operating under Article 34 of this Code.
(Source: P.A. 97-607, eff. 8-26-11; 97-710, eff. 1-1-13.)

Section 99. Effective date. This Act takes effect July 1, 2013."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 1871** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2110** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2311** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2311

AMENDMENT NO. 1. Amend House Bill 2311 by replacing everything after the enacting clause with the following:

"Section 5. The Video Gaming Act is amended by changing Sections 5 and 45 as follows:

(230 ILCS 40/5)

Sec. 5. Definitions. As used in this Act:

"Board" means the Illinois Gaming Board.

"Credit" means one, 5, 10, or 25 cents either won or purchased by a player.

"Distributor" means an individual, partnership, corporation, or limited liability company licensed under this Act to buy, sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Terminal operator" means an individual, partnership, corporation, or limited liability company that is licensed under this Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

"Licensed technician" means an individual who is licensed under this Act to repair, service, and maintain video gaming terminals.

"Licensed terminal handler" means a person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician, or terminal operator, who is licensed under this Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation, or limited liability company defined as a manufacturer, distributor, supplier, technician, or terminal operator under this Act.

"Manufacturer" means an individual, partnership, corporation, or limited liability company that is licensed under this Act and that manufactures or assembles video gaming terminals.

"Supplier" means an individual, partnership, corporation, or limited liability company that is licensed under this Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Net terminal income" means money put into a video gaming terminal minus credits paid out to players.

"Video gaming terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

[May 7, 2013]

"Licensed establishment" means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. "Licensed establishment" and includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975. "Licensed establishment" does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act, except as provided in this paragraph. The changes made to this definition by this amendatory Act of the 98th General Assembly are declarative of existing law and shall not be construed as a new enactment.

"Licensed fraternal establishment" means the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed veterans establishment" means the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed truck stop establishment" means a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; 97-333, eff. 8-12-11.)

(230 ILCS 40/45)

Sec. 45. Issuance of license.

(a) The burden is upon each applicant to demonstrate his suitability for licensure. Each video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, and licensed veterans establishment shall be licensed by the Board. The Board may issue or deny a license under this Act to any person pursuant to the same criteria set forth in Section 9 of the Riverboat Gambling Act.

(a-5) The Board shall not grant a license to a person who has facilitated, enabled, or participated in the use of coin-operated devices for gambling purposes or who is under the significant influence or control of such a person. For the purposes of this Act, "facilitated, enabled, or participated in the use of coin-operated amusement devices for gambling purposes" means that the person has been convicted of any violation of Article 28 of the Criminal Code of 1961 or the Criminal Code of 2012. If there is pending legal action against a person for any such violation, then the Board shall delay the licensure of that person until the legal action is resolved.

(b) Each person seeking and possessing a license as a video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment shall submit to a background investigation conducted by the Board with the assistance of the State Police or other law enforcement. To the extent that the corporate structure of the applicant allows, the background investigation shall include any or all of the following as the Board deems appropriate or as provided by rule for each category of licensure: (i) each beneficiary of a trust, (ii) each partner of a partnership, (iii) each member of a limited liability company, (iv) and each director and officer of a publicly or non-publicly held corporation, (v) each stockholder of a non-publicly held corporation, (vi) each stockholder of 5% or more of a publicly held corporation, or (vii) each stockholder and all stockholders of 5% or more in a parent or subsidiary corporation of a video gaming terminal manufacturer, distributor, supplier, operator, or licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment.

(c) Each person seeking and possessing a license as a video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment shall disclose the identity of every person, association, trust, corporation, or limited liability company having a greater than 1% direct or indirect pecuniary

[May 7, 2013]

interest in the video gaming terminal operation for which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a limited liability company, the names and addresses of all members; or if a partnership, the names and addresses of all partners, both general and limited.

(d) No person may be licensed as a video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment if that person has been found by the Board to:

(1) have a background, including a criminal record, reputation, habits, social or business associations, or prior activities that pose a threat to the public interests of the State or to the security and integrity of video gaming;

(2) create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of video gaming; or

(3) present questionable business practices and financial arrangements incidental to the conduct of video gaming activities.

(e) Any applicant for any license under this Act has the burden of proving his or her qualifications to the satisfaction of the Board. The Board may adopt rules to establish additional qualifications and requirements to preserve the integrity and security of video gaming in this State.

(f) A non-refundable application fee shall be paid at the time an application for a license is filed with the Board in the following amounts:

(1) Manufacturer.....	\$5,000
(2) Distributor.....	\$5,000
(3) Terminal operator.....	\$5,000
(4) Supplier.....	\$2,500
(5) Technician.....	\$100
(6) Terminal Handler.....	\$50

(g) The Board shall establish an annual fee for each license not to exceed the following:

(1) Manufacturer.....	\$10,000
(2) Distributor.....	\$10,000
(3) Terminal operator.....	\$5,000
(4) Supplier.....	\$2,000
(5) Technician.....	\$100

(6) Licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment.....\$100

(7) Video gaming terminal.....\$100

(8) Terminal Handler.....\$50

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10; 97-1150, eff. 1-25-13.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 2353** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 2374** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Van Pelt, **House Bill No. 2401** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 2489** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 2494** was taken up, read by title a second time and ordered to a third reading.

[May 7, 2013]

On motion of Senator Althoff, **House Bill No. 2527** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Van Pelt, **House Bill No. 2540** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Biss, **House Bill No. 2591** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 2606** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2614** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 2624** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McGuire, **House Bill No. 2664** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 2709** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 2723** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2726** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator LaHood, **House Bill No. 2760** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 2761** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 2768** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 2773** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 2786** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 2802** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 2830** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2839** was taken up, read by title a second time and ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

[May 7, 2013]

On motion of Senator Clayborne, **House Bill No. 1589** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 51; NAYS None.

The following voted in the affirmative:

Barickman	Forby	Luechtefeld	Raoul
Bertino-Tarrant	Frerichs	Manar	Rezin
Biss	Haine	Martinez	Righter
Bivins	Harmon	McCann	Rose
Brady	Holmes	McCarter	Sandoval
Bush	Hunter	McConnaughay	Silverstein
Clayborne	Hutchinson	McGuire	Stadelman
Connelly	Jacobs	Morrison	Steans
Cullerton, T.	Jones, E.	Mulroe	Sullivan
Cunningham	Koehler	Muñoz	Trotter
Delgado	Kotowski	Noland	Van Pelt
Dillard	Lightford	Oberweis	Mr. President
Duffy	Link	Radogno	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:53 o'clock a.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 12:00 o'clock p.m., the Senate resumed consideration of business.
Senator Link, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 7, 2013 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: Senate Committee Amendment No. 1 to House Bill 1010; Senate Committee Amendment No. 1 to House Bill 1281; Senate Committee Amendment No. 1 to House Bill 1309; Senate Committee Amendment No. 1 to House Bill 1443; Senate Committee Amendment No. 1 to House Bill 2897; Senate Committee Amendment No. 1 to House Bill 2898; Senate Committee Amendment No. 1 to House Bill 2961; Senate Committee Amendment No. 1 to House Bill 3021; Senate Committee Amendment No. 1 to House Bill 3043; Senate Committee Amendment No. 1 to House Bill 3357.

Education: Senate Floor Amendment No. 2 to Senate Bill 1288; Senate Floor Amendment No. 2 to Senate Bill 2340; Senate Committee Amendment No. 1 to House Bill 946

Energy: Senate Floor Amendment No. 2 to House Bill 2623.

Executive: Senate Committee Amendment No. 5 to Senate Bill 34; Senate Floor Amendment No. 1 to Senate Bill 2363.

[May 7, 2013]

Higher Education: **Senate Committee Amendment No. 2 to House Bill 1299.**

Insurance: **Senate Committee Amendment No. 1 to House Bill 3139.**

Judiciary: **Senate Committee Amendment No. 1 to House Bill 2339; Senate Committee Amendment No. 1 to House Bill 2787; Senate Committee Amendment No. 1 to House Bill 3390.**

Labor and Commerce: **Senate Committee Amendment No. 1 to House Bill 1544.**

Licensed Activities and Pensions: **Senate Committee Amendment No. 1 to House Bill 84; Senate Committee Amendment No. 1 to House Bill 595; Senate Committee Amendment No. 1 to House Bill 1344; Senate Committee Amendment No. 1 to House Bill 3186.**

Local Government: **Senate Floor Amendment No. 1 to House Bill 2376.**

Revenue: **Senate Committee Amendment No. 1 to House Bill 189; Senate Committee Amendment No. 1 to House Bill 3157.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to House Bill 2764; Senate Floor Amendment No. 2 to House Bill 3359.**

Transportation: **Senate Committee Amendment No. 1 to House Bill 2754.**

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet at 1:05 o'clock p.m.:

Education in Room 400

COMMITTEE MEETING ANNOUNCEMENT FOR MAY 8, 2013

The Chair announced the following committee to meet at 9:00 o'clock a.m.:

Local Government in Room 212

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3081, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1321

A bill for AN ACT concerning public health.

SENATE BILL NO. 1322

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 1340

A bill for AN ACT concerning civil law.

SENATE BILL NO. 1373

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1383

[May 7, 2013]

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1439

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1497

A bill for AN ACT concerning criminal law.

Passed the House, May 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

MESSAGES FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 7, 2013

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator William Haine to temporarily replace Senator Jennifer Bertino-Tarrant as a member of the Senate Transportation Committee. This appointment will automatically expire upon adjournment of the Senate Transportation Committee.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 7, 2013

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Hastings to temporarily replace Senator Napoleon Harris as a member of the Senate Transportation Committee. This appointment will automatically expire upon adjournment of the Senate Transportation Committee.

[May 7, 2013]

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

Senator Althoff asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 12:04 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, May 8, 2013, at 12:00 o'clock noon.

[May 7, 2013]